

On July 7, 1932, Joseph Thorup, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$100, a decree was entered ordering that the product be delivered to the claimant for reworking under the supervision of this Department. On July 12, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceeding.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20033. Misbranding of butter. U.S. v. Eight 32-pound Cases of Hillside Brand Creamery Butter. Default decree of condemnation and forfeiture. Product delivered to Federal agency. (F. & D. No. 28400. Sample No. 11310-A.)

Sample cartons of butter from the shipment involved in this action were found to contain less than 1 pound, the declared weight.

On May 31, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight 32-pound cases of creamery butter, remaining in the original and unbroken packages at Kingston, N.Y., alleging that the article had been shipped in interstate commerce on or about May 19, 1932, by B. S. Pearsall Butter Co., from Elgin, Ill., to Kingston, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "'Hillside' Brand Creamery Butter B. S. Pearsall Butter Co., Mfrs., Elgin, Ill. * * * One Pound."

It was alleged in the libel that the article was misbranded in that the statement "One Pound" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered for consumption and not for sale to Federal Detention Headquarters at New York, N.Y.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20034. Adulteration and misbranding of butter. U.S. v. 15 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28419. Sample No. 5513-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress. Sample cartons were also found to contain less than 1 pound, the declared weight.

On or about May 19, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of butter remaining in the original unbroken packages at Chicago, Ill. On June 8, 1932, an amended libel was filed. It was alleged in the amended libel that the said 15 cases of butter had been shipped in interstate commerce on or about May 9, 1932, by Lortin Farms, Loring & Martin, from East Saugatuck, Mich., to Chicago, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Lortin Farms Pure Creamery Butter, East Saugatuck, Michigan One Pound Net Weight."

Adulteration of the article was alleged in the amended libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "Butter", which was false and misleading, since it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the statement "One Pound Net Weight" was false and misleading, since the package contained less than that quantity.